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SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and *Ynares-Santiago, JJ.,* concur.

Romero, J., on official leave.

THIRD DIVISION

[AM No. RTJ-99-1455. July 13, 1999]

REYNALDO DE VERA, *complainant, vs.* **JUDGE SANCHO A. DAMES II, Regional Trial Court of Camarines Norte, Branch 38,** *respondent.*

SYNOPSIS

Complainant, in three (3) separate informations filed with respondent's sala, was charged with libel in connection with his letter to Mrs. Mariano, DECS School's Division Superintendent, Daet, Camarines Norte requesting for an investigation of the treasure hunting and excavation made within the premises of the school. Complainant moved to dismiss the information on the ground of privileged communication and to inhibit respondent on ground of partiality as respondent was a mahjong partner of one of the complainants. Both motions were denied. However, before the promulgation of the judgment finding complainant guilty, the same was prematurely published in a local newspaper. The trial court found that the letter was presumed to be malicious and defamatory, hence, complainant's liability for libel. However, the conclusion was not sufficiently explained by respondent judge in his decision who even failed to cite any legal principle or authority to support his conclusion. Aggrieved, complainant appealed to the Court of Appeals which reversed the assailed decision and acquitted complainant. It ruled that the letter was a privileged communication beyond the ambit of libel, the same having been written with good intentions. It found that the decisions were not supported by

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any factual and legal justification. Thus, the filing of the present administrative complaint against respondent for serious misconduct, premature release of decision (passed upon by this Court in A.M. No. RTJ-94-1144) and knowingly rendering unjust judgment. The Office of the Court Administrator, noting the uncertainty of the decision as to whether the letter was libelous, recommended that respondent be fined ₱10,000.00 for knowingly rendering an unjust decision. It ruled that respondent should have inhibited himself from the proceedings as he, who has a personal relationship with one of the parties, cannot be said to be wholly free, disinterested, impartial and independent.

Although a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, that relative immunity is not license to be negligent or abusive and arbitrary in the performance of adjudicatory prerogatives.

A judge may not be legally prohibited from sitting in a litigation but when suggestion is made that he might be induced to act in favor of one party or with bias against the other respondent should have inhibited himself.

There is no clear proof of malice, corrupt motives or improper consideration concomitant with the baseless judgment. Nonetheless, respondent must be sanctioned. The respondent judge was found guilty of incompetence and ignorance of the law and was fined ₱10,000.00

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; FACTUAL FINDINGS OF COURT OF APPEALS AND OFFICE OF COURT ADMINISTRATOR THAT TRIAL COURT'S RULING ON DEFAMATORY NATURE OF LETTER LACKED FACTUAL AND LEGAL BASIS, AFFIRMED ON APPEAL.**— We agree with the findings and recommendations of the Office of the Court Administrator. As has been amply elucidated in the CA ruling and in the OCA Report, respondent failed to adhere to the basic precept enshrined in Article VIII, Section 14 of the Constitution. The respondent precipitately concluded that the letter was defamatory without sufficiently explaining why. Calling the trial court's Decision "baseless," the Court of Appeals held that the trial court ruling on the defamatory nature of the letter "was not supported by any factual and legal justification." This

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statement was echoed by the OCA, which noted that respondent's Decision "lack[ed] factual and legal basis. In fact, respondent failed to cite any legal principle or authority to support his conclusion." Indeed, a meticulous scrutiny of the said judgment substantiates the observations of the Court of Appeals and the OCA. Indubitably, the respondent's Decision was erroneous as it was baseless. But rendering an erroneous or baseless judgment, in itself, is not sufficient to justify respondent's dismissal from the service. There must be proof that such judgment was rendered with malice, corrupt motive, improper consideration or bad faith. (*Pilipinas Bank v. Tirona-Liwag*)

2. **JUDICIAL ETHICS; JUDGES; RENDITION OF ERRONEOUS AND BASELESS JUDGMENT, NOT ALWAYS SUBJECT TO DISCIPLINARY ACTION.** — The Court has held that "although a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, that relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives. If judges wantonly misuse the powers vested in them by law, there will be not only confusion in the administration of justice but even also oppressive disregard of the basic requirements of due process."

3. **ID.; ID.; FAILURE TO PERFORM DUTY TO EXHIBIT MORE THAN CURSORY ACQUAINTANCE WITH STATUTES AND PROCEDURAL RULES.** — In the present case, there is no clear proof of malice, corrupt motives or improper consideration concomitant with the baseless judgment. Nonetheless, respondent must be sanctioned. Because a judge must be the embodiment of competence, integrity and independence, he has a duty to exhibit more than just a cursory acquaintance with the statutes and procedural rules. Party litigants will have greater faith in the administration of justice if judges are more careful in the analysis of the facts of the case and in their grasp of legal principles. For service in the judiciary means continuous study and research on the law from beginning to end. Respondent judge failed to discharge this duty. Hence, consistent with the penalty in *Villaluz v. Mijares*, we impose upon respondent a fine of ₱10,000.

4. **ID.; ID.; SHOULD INHIBIT HIMSELF FROM HEARING CASE WHERE A PARTY WAS A *MAHJONG* PARTNER.** — We likewise agree with the recommendation of the OCA that

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respondent should have inhibited himself from the contempt proceedings. It is an ironclad principle that a judge must not only be impartial; he or she must also appear to be impartial. Hence, the judge "must, at all times, maintain the appearance of fairness and impartiality. His language, both written and spoken, must be guarded and measured, lest the best of intentions be misconstrued." In the present case, it was established that the judge was a *mahjong* partner of one of the complainants (for whom he had ruled favorably) in the libel case. Consequently, he cannot be said to have been wholly free, disinterested, impartial and independent. Thus, he should have inhibited himself out of *delicadeza*, so that his integrity would not be stained with suspicion. As the Court has eloquently stated, "however upright the judge, and however free from the slightest inclination but to do justice, there is peril of his unconscious bias or prejudice, or lest any former opinion formed *ex parte* may still linger to affect unconsciously his present judgment, or lest he may be moved or swayed unconsciously by his knowledge of the facts which may not be revealed or stated at the trial, or cannot under the rules of evidence. No effort of the will can shut out memory; there is no art of forgetting. We cannot be certain that the human mind will deliberate and determine unaffected by that which it knows, but which it should forget in the process."

DECISION

PANGANIBAN, *J.*:

Judges cannot be disciplined for every erroneous order or decision rendered in the absence of a clear showing of ill motive, malice or bad faith. This, however, is not a license for them to be negligent or abusive in performing their adjudicatory prerogatives. The absence of bad faith or malice will not totally exculpate them from charges of incompetence and ignorance of the law when they render decisions that are totally bereft of factual and legal bases.

The Case

Before this Court is a "Petition for Removal" dated November 24, 1997, filed by Reynaldo de Vera, charging Judge Sancho

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A. Dames II of the Regional Trial Court of Camarines Norte (Branch 38) with (1) serious misconduct, (2) premature release of decision and (3) knowingly rendering an unjust judgment in Criminal Case Nos. 6747, 6781 and 6782.

The Facts

In his Petition, complainant alleges the following:

"That on May 8, 1990, the undersigned complainant as public school teacher of the Camarines Norte High School in Daet, Camarines Norte and as president of the Camarines Norte High School Teachers Association reported in writing to the schools division superintendent of the Department of Education, Culture and Sports at Daet, Camarines Norte the treasure hunting and excavation that ha[d] been made within the premises of the school in which Fiscal Oscar J. Villafuerte, a prosecutor in the Office of the Provincial Prosecutor in Camarines Norte and his [kin were] involved. For said letter made by the undersigned complainant, Provincial Prosecutor Oscar J. Villafuerte filed three (3) cases of libel.

"The respondent, Judge Sancho Dames II, instead of dismissing the three (3) libel cases filed against the herein complainant considering that the letter [was] a privilege[d] communication, yet His Honor gave due course to said malicious criminal complaint; hence, the undersigned ha[d] to employ the services of a lawyer, who ably defended the undersigned complainant and after a long and tedious trial, the complainant's counsel filed a Memorandum which was written and could have been the proper basis for the outright dismissal of the complaint for libel. Copy of the Memorandum is hereto attached as ANNEX 'A';

"That with the filing of said Memorandum on February 19, 1993, the respondent Judge, if he [was] acting with justice, should have absolved the accused from the complaint as there [was] no evidence to justify conviction; but instead news spread that the judge ha[d] already convicted accused and that the judgment ha[d] been set for promulgation on June 25, 1993; however, as early as the last days of May 1993, the respondent Judge Dames long before the promulgation of his decision, prematurely released said judgment and had the same published in a local newspaper "BICOL POST" on June 4 and 10, 1993; said premature release of the judgment [was] improper, irregular, anomalous and contemptuous; consequently, the counsel

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for the herein complainant as accused filed a Petition for Contempt, copy of which is hereto attached as ANNEX "B";

"That on September 30, 1993, the herein complainant through his counsel filed a Motion for Inhibition of Judge Dames, copy of which is hereto attached as Annex "C";

"That on October 11, 1992, the respondent Judge unjustly denied the Motion for Inhibition; consequently, immediately upon receipt of said Order, the herein complainant through his counsel filed a Motion to Reconsider said Order, copy of which is hereto attached as ANNEX "D";

"That on November 5, 1993, respondent Judge issued an unjust Order denying the Motion for Reconsideration, copy of which is hereto attached as ANNEX "E"; thereafter, complainant's counsel, Atty. Rogelio Panotes withdrew as counsel of the accused thereby compelling herein complainant to hire the services of another counsel;

"That on January 21, 1994, the accused filed a Petition for Prohibition with prayer for Restraining Order and Preliminary Mandatory Injunction with the Court of Appeals and [the Petition] was docketed as CA-G.R. SP. No. 33112, copy for which is hereto attached as ANNEX "F";

"That on February 18, 1994, the respondent Judge, showing his undue interest in behalf of the complainants in the three (3) libel cases personally filed a Comment on the Petition when he [was] not supposed to file an answer or a comment unless expressly ordered to do so; and on March 15, 1994, the Court of Appeals while deploring the premature release of the decision long before the promulgation, denied the Petition for Prohibition; copy of said decision is hereto attached and made part hereof as ANNEX "G";

"That on April 15, 1994, the respondent Judge rendered a Decision dated April 15, 1994 convicting the accused of the three (3) charges of libel filed against him; and from the said Decision, the accused appealed and elevated the case to the Court of Appeals [and the case] was docketed as CA-GR CR No. 17798; in his Brief, the accused seeking to overturn the judgment of the respondent Judge insisted that

> 'The lower Court erred in convicting the accused-appellant on the basis of speculations and inferences instead of acquitting him of the criminal charge of libel, it being uncontroverted that

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the letter communication [was] covered by the mantle of privileged communication.'

"The Office of the Solicitor General, after a careful and thorough study of the records, instead of filing an Appellee's Brief to sustain the judgment of conviction of the herein accused, filed a Manifestation and Motion recommending that the Decision of the respondent Judge be reversed and that the herein accused be acquitted of the crime charged in the three (3) complaints;

"In a Decision promulgated on July 31, 1997, a copy of which is hereto attached as ANNEX "H", the members of the Sixth Division of the Court of Appeals found the appeal of the accused to be meritorious; the Court of Appeals found the findings of the respondent Judge not supported by any factual and legal justification; the Court of Appeals took note of the fact that the trial court could not cite any legal and factual basis for its conclusions in the decision, consequently, the Court of Appeals ruled as follows

'WHEREFORE, the Decision of the Regional Trial Court of Daet, Camarines Norte, Branch 38, in Criminal Case Nos. 6747, 6781 and 6782 is hereby REVERSED, and accused-appellant REYNALDO V. DE VERA is hereby ACQUITTED of the crime (libel) charged.'

"From the foregoing, it is clear that the errors of respondent Judge are so gross and inexcusable[,] indicative of his conscious and deliberate intention to do an injustice against the accused for his findings of facts are not supported by any credible evidence on record for which he should be found guilty of serious misconduct and of rendering an unjust judgment."[1]

On February 9, 1998, respondent filed his Comment addressed to Court Administrator Alfredo Benipayo, stating in part:

"And I am appealing to His Honor to be kindly liberal in the consideration of the arguments contained in the documents submitted, and to apply as well the following jurisprudence, to wit:

'1. The proper remedy against adverse orders of judges is not an administrative action against them. The Supreme

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[1] *Rollo*, pp. 1-6.

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Court views with extreme disapproval the filing [by] vengeful litigants of administrative complaints to harass, terrorize and annoy judges who disappointed them *(Reyes v. Judge Valdez and Judge Farrales*, ADM No. RTJ-97-87-148, 9 Oct. 90, *En Banc*, Minute Resolution);'

'2. To make a judge answerable to every disgruntled Tom, Dick and Harry would make his life a living hell. The rule is that in the absence of FRAUD, DISHONESTY or CORRUPTION, the acts of a judge done in his judicial capacity are not subject to disciplinary action, even though such acts be erroneous (*Gomez v. Judge Francisco A. Semolina,* Adm. M. No. RTJ-90-488, 5 May 92 *En Banc*, Minute Resolution).'"[2]

The *casus belli* of the present administrative case is the complainant's letter, which subsequently became the subject of the libel charge. The letter is quoted hereunder.

"May 8, 1990

Mrs. Priscilla G. Mariano
Schools Division Superintendent
DECS, Daet, Camarines Norte

THRU: The Assistant SDS

Madam:

"Yesterday, at about 9:00 in the morning, in front of the Principal's Office, in the presence of about a hundred enrolling students, some of them accompanied by their parents, elder brothers, sisters or relative[s], the guidance coordinator and about ten teachers were there, and within the hearing distance of the school employees, Mrs. Emma C. Avellana, the principal of CNNS castigated me shouting at the top of her voice: '*Napakawalanghiya mo, Punyeta ka.*' And other unprintables.

"Her allegation [was] that according to reports she received I [was] the one (*daw*) who [was] spreading information that she already found gold and treasures in the diggings they conducted which [were] endangering their lives. Then she threatened me [with] reprisals.

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[2] *Rollo*, p. 55.

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"I did not answer her back[;] instead I went directly inside the office to take up some problems about my advisory class.

"Immediately after that, I reported this incident to Assistant Schools Division Superintendent Agustin A. Dating, to ascertain if her treasure hunting conducted sometime in April 9-30, 1990 ha[d] the authorization and permission from the Division Office.

"I reported to Mr. Dating the not-so-secret excavation the families of certain Canuto, Fiscal Canuto, Fiscal Villafuerte, and relatives of Mrs. Avellana did in the guise of looking for water source to be used in the on-going school building constructions.

"The suspicions of CNNHS teachers and even outsiders were aroused because the digging [was] not so ordinary.

1. They [did] not allow even workers in the school constructions to peek at the site.

2. The principal stopped the on-going CAT Summer Training for Officers.

3. The digging was conducted [during] the Holy Week, on Saturdays and Sundays, and at night.

4. Two cars, red with plate number PJU 866 and blue owned by Fiscal Villafuerte [were] constantly seen parked in the vicinity of the diggings even at night.

5. The diggings [were] not handled by real laborers, but by the nephews of the principal. There [was] no program of work, yet according to Fiscal Villafuerte, they [used] culverts.

6. One high noon, a commotion was observed by the security guard[;] a car went to and from the Office of the Principal and the site of the digging.

7. One time, almost midnight, a car was seen by a teacher xxx outside the gate, going in and out of the school ferrying something, after [which] another commotion was heard at the site of the digging.

8. The digging [was] covered by tents and streamers, and the hole [was] so wide it could accommodate two cars side by side with a small tunnel underneath.

9. Fiscal Villafuerte was acting like he [was] the foreman of the project.

10. One time, a well known politician visited the digging site.

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"These [were] just some of the queer observations that were reported to me, and I conducted personal investigations by virtue of my being the president of the Association, and I found more, which I am ready to inform you at the proper time.

"In view of the strong reasons above-mentioned, which caused the teachers to los[e] confidence [i]n our principal and her office, particularly the school security guards/watchm[e]n, as all of them are tasked primarily, to take the responsibility of securing the government school properties.

"As president of the Association, I am requesting an immediate conduct of investigation and to apply the full force of the law to those who violated it.

Very sincerely yours,
(SGD.)
REYNALDO V. DE VERA, JR.
President

Copy furnished:

1. The Regional Director, DECS
2. The Secretary, DECS
3. The Tanodbayan, Manila
4. The Regional Director, CSC
5. The Secretary, DOJ
6. Atty. R. Panotes, Manila
7. The President, PFTO
8. The Mayor, Daet, CN"[3]

Because of this letter, complainant was charged with and subsequently convicted of libel by respondent judge, who ruled:

"If the imputation that 'her (Emma C. Avellana) April 9-30' 'not-so-secret excavation' of a 'certain Canuto, Fiscal Villafuerte and relatives of Mrs. Avellana,' 'two cars, red with plate number 866 and blue owned by Fiscal Villafuerte are constantly seen parked in the vicinity of the diggings even at night,' and 'Fiscal Villafuerte was acting like he is the foreman of the project' and others is not libelous/defamatory, what is this.

"Accused would like to picture that Mrs. Emma C. Avellana is engaged in treasure hunting conducted on April 9-30, 1990 inside the school where she is the principal, that the family of a certain Canuto, Fiscal Villafuerte and the relatives of Mrs. Emma Avellana [are] involved

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[3] CA Decision, pp. 2-3; *rollo*, pp. 44-45.

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in the 'not-so-secret excavation.' Fiscal Villafuerte is likened to a foreman of the project and others. It must have been given publicity. This was admitted, and even the memorandum for the accused alleged "said cases arose from the *alleged defamatory letter* (Exhs. "A", "A-1) *dated May 8, 1990, signed by the accused under oath and distributed to his co-teachers in Camarines Norte High School as well as to the individuals therein specified.* It must be malicious, malice is presumed[;] and to overcome this presumption there must be a showing of good intention and justifiable nature. (Decision, pp. 4-5; *Rollo*, pp. 28-29)"[4]

Furthermore, the trial court stressed:

"The only reason/justification given for the acts of the accused is 'I conducted personal investigations by virtue of my being president of the Association, and I found more, which I am ready to inform you at the proper time.'

"If it is true that the only motive of accused Reynaldo V. de Vera is 'as president of the Association, I am requesting an immediate conduct of investigation and to apply the full force of the law to those who violated it,' he could have done so without the imputation of libelous/defamatory words and distributing copies of the letters [to] Camarines Norte High School teachers and others (First par., memorandum for the accused.)

"Careful perusal of the facts established shows that 1. the imputation [was] indeed defamatory, 2. It was made public 3. it [was] malicious, and 4. it definitely refer[red] to particular natural persons."[5]

On appeal, the Court of Appeals reversed the trial court and acquitted the complainant based on the following disquisition:[6]

"In the present case, it is significant to [note] that the trial court, in its decision, expressed *uncertainty* as to whether the subject letter of appellant [was] libelous when it asked, 'If the imputation that 'her (Emma C. Avellana) April 9-30' and 'not so secret excavation' of a

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[4] CA Decision, p. 6; *rollo*, p. 48.

[5] CA Decision, p. 7; *rollo*, p. 49.

[6] Penned by then Justice Antonio M. Martinez (now a retired member of this Court) and concurred in by Justices Lourdes K. Tayao-Jaguros and Romeo A. Brawner.

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certain 'Canuto, Fiscal Villafuerte and relatives of Mrs. Avellana,' 'two cars, red with plate number 866 and blue owned by Fiscal Villafuerte are constantly seen parked in the vicinity of the diggings even at night' and [']Fiscal Villafuerte was acting like he [was] a foreman of the project' and other is (sic) not libelous/defamatory, what is this' (Decision pp. 4-5, *Rollo*, pp. 28-29, italics ours).

"Subsequent[ly] however, the trial court made an implied declaration that the appellant's letter [was] 'libelous/defamatory,' thus: 'If it is true that the only motive of accused Reynaldo de Vera [was] 'as president of the association, I am requesting an immediate conduct of investigation . . ., *he could have done so without the imputation of libelous/defamatory words* . . . .' (Decision p. 5, *Rollo*, p. 29, Italics ours).

"It is noteworthy that such implied declaration made by the trial court was not supported by any factual and legal justification. Certainly such baseless conclusion that the subject letter [was] 'libelous/defamatory' cannot sustain the appellant's conviction for libel. The trial court could not cite any factual or legal basis for its conclusion simply because the appellant's letter, and this we hold, does not show any defamatory or libelous imputation of a crime, vice or defect which would tend to dishonor or discredit the reputation of the private complainants. On that ground alone, the appellant deserves an acquittal.

"But the trial court proceeded to commit another error. Again the trial court, without giving any factual and legal justification made another conclusion that 'It (the appellant's letter) must be malicious, malice is presumed and to overcome this presumption there must be a showing of good intention and justifiable nature" (Decision, p. 5, *Rollo*, p. 29; italics ours).

"The subject letter not being defamatory, it [was] therefore erroneous for the trial court to hold that the said letter [was] 'presumed' to be 'malicious.' Article 354 of the Revised Penal Code is clear that only a 'defamatory' imputation (as defined in Article 353) is presumed to be malicious, even if it be true if no good intention and justifiable motive for making it is shown' . . . (italics ours). There is malice when the author of the imputation is prompted by personal ill-will or spite and speaks not in response to duty but merely to injure the reputation of the person who claims to have been defamed (*Alonzo vs. Court of Appeals*, 241 SCRA 59-60, citing Ramon C. Aquino, *The Revised Penal Code*, Vol. III, 1988 ed., 531).

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"Although his letter is not defamatory, and therefore, malice is not presumed to exist, the appellant had sufficiently and convincingly shown that he had good intention and justifiable motive for writing and sending said letter. x x x."[7]

Recommendation of the Court Administrator

The Office of the Court Administrator (OCA), in its Report dated April 9, 1999, recommended that respondent be fined ₱10,000, *viz*:

"We find the complaint meritorious.

"As to the charge of knowingly rendering an unjust decision, libel is defined as a public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person or to blacken the memory of one who is dead (Art. 353, Revised Penal Code). An imputation is considered libelous if the following essential elements concur:

"1. It must be defamation

2. It must be malicious

3. It must be given publicity

4. The victim must be identifiable

"We have carefully analyzed the alleged libelous letter. We noted that nothing therein contain[ed] defamatory imputations which tend[ed] to dishonor or discredit the reputation of the private complainant. The purpose of the complainant's letter [was] merely to seek an investigation on the alleged questionable digging activities of the private complainant inside the school campus. There was no malicious intent. The report was made in good faith and in the performance of his moral and legal duty as the president of the School's Association.

"In its reversal, the Court of Appeals declared that the trial court's decision was not supported by any factual and legal justification and noted the uncertainly (sic) of the decision as to whether the letter was libelous or not. xxx

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[7] CA Decision, pp. 8-9; *rollo*, pp. 50-51.

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"We agree with the findings of the Court of Appeals.

"This is not the way to write a decision. Judges should learn to summarize, to synthesize, to simplify. In this case, the trial judge barely complied with the constitutional requirement (Section 14, Article VIII, 1987 Constitution) that the factual and legal basis of the decision should be clearly and distinctly expressed therein (*People vs. Francisco*, 234 333 [1994]) The decision lacks the factual and legal basis. In fact, respondent failed to cite any legal principle or authority to support his conclusion.

xxx x x x xxx

"As to the alleged premature release of the subject decision, our record shows that the same has already been passed upon by the Court in A.M. No. RTJ-94-1144, *Reynaldo De Vera vs. Judge Sancho Dames II*, where in the resolution dated 2 February 1999, said respondent was admonished.

"With regard xxx to whether there [was] reasonable ground for the inhibition of the respondent in the motion for contempt, the ground relied upon being bias, complainant claims that there exists a personal relationship between the respondent and private complainant Public Prosecutor Villafuerte (respondent Judge allegedly regularly plays *majong* with Prosecutor Villafuerte at the latter's house). This probably explains the reason why respondent denied complainant's counsel's motion for Court Stenographer Mila to take the witness stand to shed light on the pre-mature release of the decision on the ground of self-incrimination. Record shows that it was stenographer Mila who gave a copy of the decision in advance to Public Prosecutor Villafuerte allegedly in the name of the respondent. It is our view that respondent Judge should have inhibited himself from the proceedings guided by the principle laid down in *Pimentel vs. Salanga* (21 SCRA 160), that:

> 'A judge may not be legally prohibited from sitting in a litigation. But when suggestion is made of record that he might be induced to act in favor of one party or with bias or prejudice against a litigant arising out of circumstance reasonably capable of inciting such a state of mind, he should conduct a careful self-examination. He should exercise his discretion in a way that the people's faith in the courts of justice is not impaired. A salutary norm is that he reflect on the probability that a losing party might nurture at the back of his mind the thought that

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the judge had unmeritoriously tilted the scales of justice against him.'"

This Court's Ruling

We agree with the findings and recommendations of the Office of the Court Administrator.

As has been amply elucidated in the CA ruling and in the OCA Report, respondent failed to adhere to the basic precept enshrined in Article VIII, Section 14 of the Constitution, which we quote:

"Sec. 14. No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it was based."

The respondent precipitately concluded that the letter was defamatory without sufficiently explaining why. Calling the trial court's Decision "baseless," the Court of Appeals held that the trial court ruling on the defamatory nature of the letter "was not supported by any factual and legal justification." This statement was echoed by the OCA, which noted that respondent's Decision "lack[ed] factual and legal basis. In fact, respondent failed to cite any legal principle or authority to support his conclusion." Indeed, a meticulous scrutiny of the said judgment substantiates the observations of the Court of Appeals and the OCA. Indubitably, the respondent's Decision was erroneous as it was baseless.

But rendering an erroneous or baseless judgment, in itself, is not sufficient to justify respondent's dismissal from the service. There must be proof that such judgment was rendered with malice, corrupt motive, improper consideration or bad faith. As held in *Pilipinas Bank v. Tirona-Liwag*:[8]

"Good faith and absence of malice, corrupt motives or improper consideration are sufficient defenses protecting a judicial officer charged with ignorance of the law and promulgation of an unjust

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[8] 190 SCRA 834, October 18, 1990, per Gutierrez Jr., *J.*

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decision from being held accountable for errors of judgment on the premise that no one called upon to try the facts or interpret the law in the administration of justice can be infallible."

The Court has held that "although a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, that relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives. If judges wantonly misuse the powers vested in them by law, there will be not only confusion in the administration of justice but even also oppressive disregard of the basic requirements of due process."[9]

In the present case, there is no clear proof of malice, corrupt motives or improper consideration concomitant with the baseless judgment. Nonetheless, respondent must be sanctioned. Because a judge must be the embodiment of competence, integrity and independence,[10] he has a duty to exhibit more than just a cursory acquaintance with the statutes and procedural rules. Party litigants will have greater faith in the administration of justice if judges are more careful in the analysis of the facts of the case and in their grasp of legal principles. For service in the judiciary means continuous study and research on the law from beginning to end.[11] Respondent judge failed to discharge this duty.

We likewise agree with the recommendation of the OCA that respondent should have inhibited himself from the contempt proceedings. It is an ironclad principle that a judge must not only be impartial; he or she must also appear to be impartial. Hence, the judge "must, at all times, maintain the appearance of fairness and impartiality. His language, both written and

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[9] *Sanchez v. Vestil*, AM No. RTJ-98-1419, October 13, 1998, per Panganiban, *J.*; *Daiz v. Judge Asadon*, AM No. MTJ-98-1152, June 2, 1998.

[10] *Wingarts v. Mejia, supra*, per Regalado, *J.*; citing Rules 1.01 and 1.02 of the Code of Judicial Conduct.

[11] *Roa v. Imbing*, 231 SCRA 57, March 11, 1994; *Wingarts v. Mejia*, 242 SCRA 436, March 20, 1995; *Villaluz v. Mijares*, 288 SCRA 594, April 3, 1998.

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spoken, must be guarded and measured, lest the best of intentions be misconstrued."[12]

In the present case, it was established that the judge was a *mahjong* partner of one of the complainants (for whom he had ruled favorably) in the libel case. Consequently, he cannot be said to have been wholly free, disinterested, impartial and independent. Thus, he should have inhibited himself out of *delicadeza*, so that his integrity would not be stained with suspicion. As the Court has eloquently stated, "however upright the judge, and however free from the slightest inclination but to do justice, there is peril of his unconscious bias or prejudice, or lest any former opinion formed *ex parte* may still linger to affect unconsciously his present judgment, or lest he may be moved or swayed unconsciously by his knowledge of the facts which may not be revealed or stated at the trial, or cannot under the rules of evidence. No effort of the will can shut out memory; there is no art of forgetting. We cannot be certain that the human mind will deliberate and determine unaffected by that which it knows, but which it should forget in the process."[13]

Hence, consistent with the penalty in *Villaluz v. Mijares*,[14] we impose upon respondent a fine of ₱10,000.

WHEREFORE, Respondent Judge Sancho A. Dames II is found *GUILTY* of incompetence and ignorance of the law and is hereby ordered *to PAY* a fine of ten thousand pesos (₱10,000). He is *WARNED* that a repetition of the same or a similar act shall be dealt with more severely. Let a copy of this Decision be attached to his personal records.

SO ORDERED.

Romero (Chairman), Vitug, Purisima, and *Gonzaga-Reyes, JJ.*, concur.

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[12] *People v. Serrano,* 203 SCRA 171, October 28, 1991, per Davide, *J.* (Now *CJ*); citing *Fecundo v. Berjamen*, 180 SCRA 235, December 18, 1989.

[13] *Gutierrez v. Santos*, 2 SCRA 249, May 30, 1961, per Dizon, *J.*, citing Ann. Cas. 1917 A, p. 1235

[14] *Supra.*